

**ORDINANCE ADOPTING MODIFICATIONS TO CHAPTER 70, ARTICLE I, SECTION 70-17
OF THE DURHAM CITY CODE**

WHEREAS, the current City of Durham Code of Ordinances, § 70-17 Code does not provide certain exceptions to the payment of frontage fees as a prerequisite for connection to City of Durham water and sewer mains.

NOW THEREFOR BE IT ORDAINED BY THE DURHAM CITY COUNCIL:

Repeal existing Chapter 70, Article I, Section 70-17 of the Durham City Code of Ordinances and replace it in its entirety with the following:

Section 1. Section 70-17 of the City Code is amended to read as follows:

(a) Insert (a) here even though you are not making edits.

(b) A frontage charge shall be paid for all property frontage that abuts a street where the property has not previously been assessed a frontage charge or when the frontage charge has not previously been paid, regardless of whether or not a water main or sewer main, or both, have been installed in the abutting frontage, except as follows:

1. **Unopened rights-of-way ("paper streets") shall not be included in calculating a frontage charge.**

2. **If there is an outfall that has been or will be extended by the property owner or a previous owner of the parcel for the purpose of providing sanitary sewer service to a specific parcel, a reduction in frontage fees will be granted for all costs incurred by the owner (less any City contribution to the cost) for the construction of the outfall. The reduction (or refund) will be made upon the approval by the City of certified cost figures and record drawings submitted by the owner.**

3. **When the city manager or the city manager's designee has made a determination that a water main or sewer main, or both, will not be installed in a section of street due to topography, a service boundary limitation, or some other compelling reason, a frontage charge shall not be applied to the frontage abutting that street section ~~with the exception of the first 200 feet of property frontage on that street section.~~**

4. Where the city has assessed a property for the construction of a water main or sewer main, or both, and the property was granted relief from all or a portion of the assessment, a property so relieved shall not be subject to a frontage charge, unless the assessment relief was granted with a provision that future frontage charges would be due and payable at the time the property received service.

5. **Where a water or sewer line has been extended ("extended utilities") pursuant to a utility extension agreement ("agreement") that requires reimbursement of frontage fees collected by the city to a developer, the city shall only collect frontage fees at the prevailing rate until the date the reimbursement provision in the agreement expires. Frontage fees shall not be collected by the City for new water or sewer connections to the extended utilities after the expiration of the reimbursement provision in the agreement.**

6. **For a property that is a corner lot zoned entirely for single-family residential use, there shall be no frontage charge levied for the first 200 feet of frontage on the longer side of the**

lot. For corner lots that are not zoned entirely for single-family residential use, there shall be no frontage charge levied for the first 100 feet of frontage on the longer side of the lot.

7. For a property that has frontage on more than one street, that is not a corner lot, that is zoned entirely for single-family residential use, and that cannot be subdivided into more than one buildable parcel, only the frontage along the front of property shall be considered in computing the frontage charge (or in the case of a ~~corner lot that has frontage on three or more streets~~, the front and side of the lot ~~in accordance with number 6 of this section~~). ~~The exemption set forth in the preceding sentence shall apply only to single-family lots of record as of April 1, 1987.~~

8. If a property owner has previously paid a frontage charge for water and sewer infrastructure, that property shall not be subject to a later assessment imposed for the installation of water and sewer infrastructure fronting the property.

Section 2. This ordinance is effective upon adoption.